36

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5190 of 2007

PETITIONER Shri Arvil Tirky S/o Late Shri Daniel Tirky, aged about 31 years, Police Constable, C/o. Mrs Elizabeth Tirky, School Teacher, Resident of House of Shri Vijay Mishra, Chhote Atarmuda, Raigarh (C.G).

Versus

RESPONDENTS

1 State of C.G. through Principal Secretary, Home Department, DKS Bhawan, Raipur (C.G.)

2 The Director General of Police C.G., Police Head Quarters Chhattisgarh, Raipur.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri U.N.S. Awasthy, Sr. Advocate with Shri M.K. Sinha, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State, on advance copy.

ORAL ORDER
(14.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Constable, was initially posted in the State of Madhya Pradesh. He made an application for mutual allocation with another Constable namely Suresh Kumar, who was posted in State of Chhattisgarh, on which, orders were passed and ultimately, the petitioner was allocated to the State of Chhattisgarh and Suresh Kumar was allocated to the State of Madhya Pradesh and after final allocation of the petitioner to the State of Chhattisgarh, he was posted in District Dantewada vide order dated 26.7.2007.

Learned Sr. Counsel appearing for the petitioner argues that the wife of the petitioner is working in Raigarh District, therefore, it would be difficult for the petitioner to remain at a different place. He submits that there is a small daughter, therefore, such posting is creating hardship for the couple. He also submits that an application (Annexure-P/7) has been made to the concerned authority but the same has not been considered and decided so far.

37

So far as posting of the petitioner in District Dantewada is concerned, I do not find any illegality in the same, no malafide or extraneous considerations or violation of any statutory Rules or Act have been pointed out to show that such posting was not in accordance with law. On merits, this Court is unable to interfere with the order of posting of the petitioner.

So far as grievances of the petitioner on account of posting of his wife in Raigarh District and that of a small daughter is concerned, these are the personal problems of the petitioner, for which, the petitioner has rightly moved a representation to the concerned authority. It is for the authority concerned to see the personal difficulties of the employees with a view to achieve a better service from the employee and further with a view that he may not be put to any hardship, which may come in the way of rendering of excellent services to the department.

After hearing the learned counsel for the petitioner as well as learned counsel for the State, in the opinion of this Court, ends of justice would be served, if the concerned authority is directed to dispose of the representation, filed by the petitioner, in light of their policy, guidelines and circulars in this regard.

The petition is disposed of with a direction that if so advised, the petitioner may filed a fresh representation along with copy of this order and copy writ petition within a period of 15 days from today before the concerned authority and if such a representation is filed, the concerned authority shall dispose of the same in an objective manner in accordance with law.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

vatti